

Response Filed January 16, 2004
Application No. 09/629,051 to Spielman et al.

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-69 are pending in the application.

Claims 1-69 stand rejected under 35 USC § 103(a) in view of U.S. Patent No. 6,463,464 to Lazaridis et al. in view of U.S. Patent No. 5,758,088 to Bezaire et al. This rejection is respectfully traversed. The following is a comparison between the claims and the applied references.

The Examiner admits that Lazaridis does not disclose “selecting process from a group of duplicate processes for sending notification information”. The Examiner cites Bezaire as supplying the deficiencies of Lazaridis.

However, the redirection software 12 of Lazaridis is a central resource that manages both configuring user-input preferences as event triggers and redirecting a received message in response to the event trigger. (See column 3, lines 14-22 and column 6, lines 63-67). Lazaridis does not suggest accessing a sub-directory per a second open network protocol.

In addition, neither Lazaridis nor Bezaire teaches or suggests a plurality of notification delivery processes as claimed. Furthermore, Bezaire provides no teaching whatsoever of providing a group of duplicate notification processes and selecting one of the group of duplicate notification processes as claimed. Bezaire teaches that a single gateway locates wireless device information associated with a user’s ID and formats a message so that it may be forwarded by the wireless service provider to the proper

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device. This is not a teaching of providing a group of duplicate notification process and selecting one of the group, since in Bezaire, once the proper device is determined, the single message is forwarded.

As disclosed at page 13 line 19 to page 14, line 5 of the specification, multiple instances 14a1, 14a2, 14a3... of the notification delivery processes is established and operates independently to advantageously increase processing capacity.

With regard to claims 1, 20, 30 and 39, the Examiner contends that Lazaridis teaches "Outputting using a third protocol a notification delivery message (E-mailing repackaged message B) to a selected notification delivery process (wireless gateway 20) for delivery of the notification device (mobile computer 24) according to device protocol (col. 13 lines 5-25)." However, claims 1, 20 and 39 define a outputting the one notification delivery message to a select corresponding one of a plurality of notification delivery processes. Also, claim 30 recites a plurality of notification delivery processes, each configured for delivering a notification to a subscriber device according to a corresponding device protocol.

As discussed at pages 7 and 8 of the specification, each notification delivery process 14 is configured for delivering a notification to a subscriber's notification device 24, according to a corresponding device protocol, based on reception of a notification delivery message 28 in its corresponding mailbox 22. For example, the notification delivery process 14a is configured for sending an SMTP-based notification to an e-mail client 24a using an SMTP server 26a for distribution of the selected notification information according to the protocol of the e-mail client 24a. Similarly, the notification delivery process 14b is configured for outputting an SMS-based message to the SMS server 26b for delivery to the subscriber's

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cellphone 24b. The notification delivery process 14c is configured for sending an outgoing facsimile transmission to a subscriber's fax machine 24c using a fax server 26c, and the notification delivery process 14d is configured for sending a command to the message waiting indicator server 26d for asserting a message waiting light on a subscriber's telephone 24d. The notification delivery process 14e is configured for sending a paging command to a paging server 26e for delivery of a wireless page to a subscriber's pager 24e, and the notification delivery process 14f is configured for requesting an outgoing call server 26d, for example a PBX or a voice over IP call controller.

In Lazaridis, the Examiner considers the wireless gateway 20 to be a notification delivery process. Lazaridis does not teach that the wireless gateway is a notification delivery process of a plurality of notification delivery processes for delivering a notification to a subscriber device according to a corresponding device protocol. Lazaridis simply does not disclose outputting, according to a third open network protocol, the one notification delivery message to a selected corresponding one of a plurality of notification delivery processes.

With regard to claims 11, 49, 58 and 63, the rejection does not address retrieving a notification message from a message store. In Lazaridis, the redirection software 12 waits for an event to take place (hence the term "event trigger" used in Lazaridis).

In addition, the Examiner has not shown how Lazaridis could be modified to include the teachings of Bezaire and result in the claimed invention. Furthermore, the Examiner has failed to provide any motivation for combining the teachings of Lazaridis and Bezaire. Therefore, the rejection is deficient. "It

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is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious.” In re Fritch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). “Teachings of references can be combined only if there is some suggestion or incentive to do so.” In re Fine, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting ACS Hosp. Sys. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original).

Even if such a piecemeal modification were made, the combination would not result in the claimed invention. Lazaridis does not teach or suggest initiating notification processes, or initiating multiple notification delivery processes. Bezaire does not teach initiating notification delivery processes (interpreted as service provider 22 by the Examiner) since only a single service provider 22 is disclosed.

With regard to claim 58, the combination of Lazaridis and Bezaire fails to teach or suggest a first server configured for first initiating multiple notification processes, each notification process configured for retrieving according to a first open network protocol a corresponding notification message from a corresponding primary message store, with each notification process configured for accessing a subscriber directory according to a second open network protocol for subscriber notification preference information, or a second parameter file entry configured for providing the notification source with destination address information for providing the notification messages to the primary message stores.

With regard to claims 14-17, 52, 66 and 67, Lazaridis does not teach creating third and fourth instances of the notification process (e.g., claims 14, 16) or initiating another instance of one of the notification delivery processes (e.g., claim 15). Lazaridis merely teaches that the triggers can be stored

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at each desktop system 10, 26 and 28 which could transmit the triggers to a server 11. Lazaridis simply does not teach initiating multiple instances of the redirection process.

For these and other reasons, the section 103 rejection of claims 1-69 should be withdrawn.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-443, and please credit any excess fees to such deposit account.

Respectfully submitted,



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